

# INFORMATION LETTER

## NATIONAL CANNERS ASSOCIATION

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Publication

For Members  
Only

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### INTERPRETATION OF EXEMPTIONS

#### District Upholds Wage-Hour Division Except on One Issue in Swift Case

The narrow and limited construction which the Wage and Hour Division has placed on the overtime exemptions in Section 7(c) of the Federal Wage and Hour Law was for the most part upheld on September 19th when a Federal District Judge in Illinois rendered the first court decision which has considered the scope of these exemptions. On only one issue—whether the exemption must be applied on a plant or an employee basis—did the Court disagree with the interpretations which had previously been adopted by the Wage and Hour Division. While the particular case—*Fleming v. Swift & Co.*—involved the meat-packing industry, the conclusions of the Court have a direct bearing on the 14-week exemption to which canners are entitled under Section 7(c).

The case was an injunction proceeding instituted by the Administrator against a large meat packer, Swift & Co., to enjoin violations of the overtime provisions of the Act. Over a year and a half has elapsed since the proceeding was originally instituted, and in the interim extensive testimony has been taken and the case has been fully briefed and argued before the Federal District Judge.

The principal question involved was whether the 14-week exemption afforded by Section 7(c) applies to all employees in a meat-packing establishment, or only to employees who are engaged in the specific operations named in the statute—handling, slaughtering, and dressing of poultry or livestock. That this issue has a direct bearing upon the application of the exemption to canning establishments is apparent when the language of Section 7(c) is considered. This Section provides:

"In the case of an employer engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruits or vegetables, . . . or in handling, slaughtering, or dressing poultry or livestock, the provisions of Subsection (a), during a period or periods of not more than 14 workweeks in the aggregate in any calendar year, shall not apply to his employees in any place of employment where he is so engaged."

Despite the language of this Section which suggests that all employees in the "place of employment" are exempt, the Wage and Hour Division took the position that the exemption applies only to the employees performing the operations named in the Section—the canning or packing of fruits or vegetables, and the handling, slaughtering, or dressing of livestock—and not to other employees in the establishment. The meat packers contended, on the other hand, that the exemption applies to *all* employees in the place of employment.

The Court agreed with the interpretation advanced by the Wage and Hour Division. It concluded that the exemption is limited to employees engaged in handling, slaughtering, or dressing the livestock, and not to employees engaged in any of the other activities of the meat-packing establishment.

The Court did not, however, agree with the Division's contention that the 14 weeks must be taken for the plant as a whole. It concluded that a separate 14 weeks may be taken for each individual employee, so long as no individual employee gets more than 14 weeks of exemption.

Another issue involved in the case was whether or not certain employees such as timekeepers, watchmen, firemen, etc., are engaged in the production of goods for commerce and, therefore, subject to the Act. The Court agreed with the arguments of the Division that the work of these employees is necessary and incidental to the operation of the meat-packing establishment, and that, therefore, they are engaged in the production of goods for commerce.

It is likely that this decision will be appealed to the Circuit Court of Appeals, and possibly to the Supreme Court of the United States. For the Wage and Hour Division has announced that under the decision of the District Judge, the meat-packing industry has become liable for the payment of several million dollars in back wages to employees who were not paid overtime during 1939 and 1940.

### GOVERNMENT FOOD PURCHASING

#### Invitations for Large Quantities of Canned Products Issued by Army and FSCC

As was indicated in the summary of Army purchases of canned foods published in the INFORMATION LETTER for September 13, the Chicago Quartermaster Depot has issued a number of invitations covering requirements not met by the response to the first invitations sent out by that office. Those include requests for bids on tomatoes, tomato juice, green and wax beans, lima beans, and corn.

The invitation on canned tomatoes requests bids on 500,000 dozen No. 10 cans of Extra Standard tomatoes, with 1,821,400 dozen No. 2½'s or 2,684,000 dozen No. 2's as acceptable alternative bids. Opening date is October 2.

The tomato juice invitation, which will also be opened October 2, calls for 125,000 dozen No. 10's Fancy grade, with alternative bids on 285,300 dozen 404 x 700 cans.

On October 6, bids for 40,000 dozen No. 10 cans of Extra Standard lima beans, or as an alternative 210,000 dozen No. 2 cans, will be opened.

Bids for 188,100 dozen No. 10 cans of Extra Standard green or wax beans, or an alternative 1,000,000 dozen No. 2 cans, will be opened October 7.

The corn invitation (No. 199-42-143 Sub.) replaces an invitation issued September 15 and later canceled. Bids will be

opened October 7. Bids are asked on 1,500,000 dozen No. 2 cans Extra Standard White or Yellow, Whole Grain or Cream Style, corn; or as an alternative 277,700 dozen No. 10 cans White or Yellow Whole Grain corn.

The Marine Corps will open bids October 2 on various subsistence stores, including 2,352 pounds of canned fish flakes, 20,000 pounds of Fancy solid pack sweet potatoes in No. 10 cans, and 5,000 pounds of strained cranberry sauce in No. 10 cans.

The Federal Surplus Commodities Corporation on September 23 asked for tenders on canned beets, carrots, and green or wax beans for immediate delivery or delivery within 30 days. No limitation is placed on the quantity that may be offered. Deliveries are to be packed in new corrugated cases or in export cases meeting specifications which accompany the announcement. Beets and carrots are to be of Grade A or C in No. 2 cans. Green or wax beans are to be of Grade C in No. 2 cans. Offers of green or wax beans are to be in the hands of the purchasing agent of the FSCC in Washington not later than October 2. Offerings of beets and carrots are to be in the purchasing agents hands not later than October 6.

Early next week the FSCC will ask tenders on solid pack Kieffer pears in No. 10 cans.

Following are figures on purchases by the Department of Agriculture. During the week ended September 26, the first purchases of Type C field ration and pineapple were announced.

TOTAL PURCHASES—CANNED COMMODITIES		
	Sept. 19—Sept. 26	Mar. 15—Sept. 26
	Cases	Cases
Fruits:		
Apricots	135,284	
Grapefruit	398,418	
Grapefruit juice	643,200	
Peaches	99,315	
Pears	294,775	399,925
Pineapple	5,000	5,000
Prunes	29,500	654,851
Vegetables:		
Tomatoes—		
Spots	100,000	1,454,661
Futures		2,670,040
Tomato paste	51,000	69,600
Tomato puree		43,000
Potatoes		299,200
Fish:		
Herring, river		16,000
Herring, futures		21,000
Mackerel		55,500
Pilchards, spots		300,722
Salmon		40,000
Sardines—		
Spots		10,000
Futures		235,000
Species not specified—		
Spots	75,667	937,901
Futures	65,000	1,431,700
Others:		
Chicken, boneless	52,800	52,800
Field Ration, type C	1,119,996	1,119,996
Milk, evaporated	188,000	5,848,150
Pork	8,000,676	122,930,884
Pork and beans		1,087,298

\* Pounds.

## CANNING CROP PROSPECTS

### Department of Agriculture Issues Production Estimates Based on September 15 Conditions

Most areas of importance in the production of late summer and early fall vegetables for processing escaped damaging frosts and other weather hazards up until mid-September and harvesting operations continued active, according to the report of the Department of Agriculture on the condition and progress of crops for processing. Packing sweet corn is expected to be finished before the end of September except in a few late areas, but the Department of Agriculture points out that harvesting such crops as green lima beans, canning beets, kraut cabbage, and tomatoes will continue until killing frosts occur. The following details are from the Department's report.

#### LIMA BEANS

The 1941 production prospects for green lima beans declined about 3 per cent during the first two weeks of September. On the basis of information from canners and freezers on the condition of the crop on September 15 and probable yield per acre, the production for processing is now expected to total 36,890 tons. This compares with the 1940 estimated production of 26,140 tons and the average production for the preceding 10-year (1930-39) period of 18,190 tons. The September 15 indicated yield of 1,222 pounds per acre compares with 1,124 pounds obtained in 1940 and the average yield for the 10-year (1930-39) period of 1,120 pounds per acre.

State	Acreage		Production	
	Harvested 1940 Acres	Planted 1941 Acres	1940 Tons	1941 Tons
New Jersey	8,000	12,100	3,920	6,080
Delaware	10,000	12,000	5,650	8,400
Maryland	3,100	4,100	1,970	2,770
Virginia	5,950	6,700	5,060	3,850
Michigan	1,830	2,020	810	1,010
Wisconsin	2,200	2,400	1,250	1,500
Other States	15,440	21,080	7,480	13,310
Total	46,520	60,400	26,140	36,890

#### BEETS

A record-high production of 102,000 tons of beets for canning is in prospect for 1941, based on the condition of the crop on September 15 and the probable yield per acre, and it includes an allowance for tonnage that will be purchased on the open market about in line with the usual practices of canners. In 1940, 70,700 tons of beets were produced for canning and for the 10-year (1930-39) period the average production is 44,500 tons. The September 15 indicated yield of 6.16 tons per acre compares with 5.70 tons obtained in 1940 and an average for the 10-year (1930-39) period of 5.92 tons per acre. The yields in prospect on September 15 for this year are better than average in all important States except Michigan and Wisconsin.

State	Acreage		Production	
	Harvested 1940 Acres	Planted 1941 Acres	1940 Tons	1941 Tons
New York	4,000	4,000	27,100	34,300
New Jersey	450	700	2,600	5,000
Indiana	170	470	1,200	2,000
Michigan	800	1,200	3,800	6,200
Wisconsin	3,000	4,650	18,000	31,200
Oregon	650	750	6,400	5,200
Other States	2,730	3,890	11,600	18,100
Total	12,400	16,560	70,700	102,000

\* Pounds.

**KRAUT CABBAGE**

The condition of the crop on September 15 and probable yield per acre indicates a 1941 production of 180,000 tons of cabbage for kraut. This estimate includes the tonnage expected to be secured from both the contracted and open market acreages. The allowance for open market tonnage has been based upon kraut packers' earlier expectations concerning the amounts that they would probably purchase outside of contracts to fill their total requirements of cabbage for kraut manufacture.

The tonnage of kraut cabbage in prospect on September 15 compares with 185,200 tons estimated for 1940 and an average for the 10-year (1930-39) period of 155,400 tons. Prospects improved in New York, Ohio, Indiana, Michigan and Wisconsin early in September. As a result, the mid-September production for the United States is about 5 per cent more than was expected on September 1.

State	Acreage		Production	
	Harvested	Planted	1940	1941
	Acres	Acres	Tons	Tons
New York	6,800	7,000	72,800	66,800
Ohio	2,000	2,100	19,200	16,400
Indiana	2,400	2,800	11,500	18,500
Illinois	500	500	4,000	2,500
Michigan	1,000	1,000	7,100	7,600
Wisconsin	4,700	5,500	41,800	41,200
Minnesota	250	250	3,000	2,000
Colorado	300	300	3,300	2,900
Washington	350	400	3,500	3,000
Other States	2,420	2,250	19,400	18,800
Total	20,720	22,100	185,200	180,000

**CORN**

A total production of 1,086,700 tons of sweet corn is in prospect for canning or freezing in 1941, on the basis of the condition of the crop on September 15 and probable yield per acre. On basis of September 1 conditions, the prospect was for a crop of 1,088,900 tons. The production in 1940 was 727,500 tons.

The September 15 indicated yield of 2.51 tons for 1941 compares with 2.32 tons obtained in 1940 and the average of 2.12 tons for the preceding 10-year (1930-39) period. Harvesting was expected to be finished before the end of September in all except a few late fields.

**TOMATOES**

Condition of the tomato crop on September 15 and probable yield per acre indicated that a 1940 production of 2,489,000 tons is in prospect. This exceeds the 2,274,700 tons harvested in 1940 by 9 per cent and the average production of 1,579,600 tons for the 10-year (1930-39) period by 58 per cent.

The 1941 yield in prospect on September 15 of 5.31 tons per acre compares with 5.56 tons obtained in 1940 and the average for the 10-year (1930-39) period of 4.23 tons per acre.

Harvesting operations continued active in the Northern portion of the United States through the first half of September; and in rather widely scattered States, including New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Michigan, Illinois and Utah, the yields being obtained were somewhat better than were indicated on September 1. The largest changes were in New Jersey and Maryland. In the former the prospect on September 1 was for a production of 187,600 tons; September 15 prospects indicated a production of 207,700 tons. In Maryland the prospective production increased from an indicated 173,600 tons on September 1 to 220,900 tons on the basis of September 15 conditions.

**OTHER CROPS**

Pimiento production on the basis of September 1 conditions will be 12,700 tons, there having been little change in the outlook since September 1, when the prospects were for a production of 12,800 tons.

Condition of cucumbers for pickles on September 15 averaged 75.1 per cent as compared with 68.6 per cent on the corresponding date last year and with the 8-year average of 71.9 per cent.

**CLARIFIES FSA AUTHORITY****Court Upholds Validity of Standard of Identity for Dried Skim Milk**

The nature and extent of the power of the Federal Security Administrator to promulgate definitions and standards of identity for food products has been clarified to some extent by a recent decision of the Circuit Court of Appeals for the Eighth Circuit involving the validity of the Administrator's order establishing a standard of identity for "Dried Skim Milk." While the Court found that the standard was technically deficient in that there was no affirmative finding by the Administrator that promulgation of the standard would promote honesty and fair dealing in the interest of consumers, the decision is in effect a victory for the Food and Drug Administration. For the Court gave the Federal Security Administrator thirty days within which to correct this omission, and when this correction has been made the standard will be affirmed by the Court.

In prescribing the definition and standard of identity for "Dried Skim Milk," the Administrator found that the common or usual name of this product is "Dried Skim Milk," "Powdered Skim Milk," or "Skim Milk Powder." Despite the fact that these were the names that had customarily been used by the trade in the past, the manufacturers contended that these names gave the public a derogatory impression of their product, and that the standard should adopt the name "Dried Milk Solids, Not Over 1½% Fat" as the common or usual name. When the Administrator refused to do this, the standard was appealed to the Courts.

The greater portion of the Court's opinion was devoted to pointing out that the Food, Drug, and Cosmetic Act gives the Administrator authority to promulgate a standard only when, in his judgment, "such action will promote honesty and fair dealing in the interest of consumers." Because of this limitation upon the Administrator's authority, the Court concluded that a standard can have validity only when it affirmatively appears that the Administrator has considered whether or not the standard will promote the interest of consumers in this fashion, and has made a finding to the effect that consumer interest will be promoted. Since the Administrator's order did not contain any such affirmative finding, the Court concluded that the standard was deficient, but gave the Administrator permission to correct this deficiency by adding the required finding concerning consumer interest.

The Court concluded that in all other respects the Administrator's order was valid. It did not believe that the Administrator had acted arbitrarily in prescribing as the name of the product the common or usual name that had customarily been used in the past, even though this name might be objectionable from a sales standpoint. Nor did the Court

believe that the Administrator had exceeded his authority in prescribing three alternative but synonymous names for the product. The Act does not, in the Court's opinion, require that a single name only be prescribed. This, of course, is of interest in connection with several present standards for canned vegetables which permit the use of alternative names (Yellow or Golden Corn, for example).

Finally, the Court rejected an argument that the Federal Security Administrator had no authority to promulgate the standard because the hearings had been held and the evidence taken by the Department of Agriculture before the Food and Drug Administration was transferred to the Federal Security Agency.

#### INDUCTION OF COLLEGE STUDENTS

##### Selective Service System Explains Basis and Procedure for Postponement or Deferment

Procedure for postponement of induction of college students into the armed forces so that they may finish partially-completed semesters and quarter terms without undue hardship before starting military training was announced on September 23, by National Headquarters, Selective Service System.

Emphasizing the difference between a postponement of induction and an actual deferment of a student, National Headquarters in its memorandum to State directors and local boards reiterated the necessity of deferring individual students in preparation for occupations essential to the national defense and public welfare:

"If a local board determines, that a particular student registrant is in training and preparation to perform a function which the national interest requires should be performed, and that at the time such student will begin to perform that function there will be a shortage of persons qualified to perform such function, it should defer such student," National Headquarters said, "It should be clearly understood that it is the shortage within the occupation which forms the basis of the deferment and not the fact that the registrant is a student."

Such deferments are granted because they are in the national interest whereas an induction is postponed solely to prevent undue hardship to the individual, National Headquarters pointed out.

Short postponements may be granted to a farmer to harvest a crop, to a lawyer to try a pending case, to an architect to complete a set of plans, and in addition, National Headquarters said, "a student might be granted such an extension in order to prepare for and take an examination, or to complete a college term which he started in good faith after ascertaining that his induction would not normally occur until a reasonable portion of such term had expired."

To enter college in "good faith," a registrant must obtain word from his local board that he is not scheduled for induction in the near future, it was pointed out by National Headquarters, which said that local boards would assist registrants as much as possible by telling them approximately how soon they may be called for military training.

Postponement of induction should not be granted to permit a student to begin a new term if his induction would normally take place prior thereto, according to National Headquarters, which stated:

"If a particular student registrant is ordered to report for induction after the expiration of one college term and before the start of another college term, there appears to be no question but that the student should be inducted as ordered. Likewise, it appears that if a particular student registrant's induction is to occur shortly after the start of a college term, his induction should not be postponed, and, therefore, such student should not enroll for such college term or should advance his time of induction by volunteering."

If it appears, however, that a student registrant will not be ordered to report for induction until well into the college term it is apparent that his induction might reasonably be postponed until the end of such term, Headquarters added, saying:

"If a student registrant's local board determines that he would probably not be ordered to report for induction until after the middle of the next quarter (if his college is using a quarter system), or until after the middle of the next semester (if his college is using a semester system), such local board may give assurance to such student that if he is ordered to report for induction during such quarter or semester, his induction will be postponed until the end of such quarter or semester.

"This procedure will prevent unusual hardship and will permit both students and colleges to make their plans in advance on a definite basis, while not interfering unduly with the smooth, efficient and impartial operation of the Selective Service System."

Local boards must, as one of the conditions precedent to granting postponement of induction to a student registrant, definitely ascertain that the particular student is in good standing in his college or university and is enrolled therein in good faith, National Headquarters emphasized.

#### E. A. Meyer To Be Consultant in OPM

E. A. Meyer, who has been associated with the C. H. Musselman Company of Biglerville, Pennsylvania, for the past 21 years, has been appointed as consultant on canned foods in the Food Supply Branch of the Purchases Division of the Office of Production Management and will begin service in that capacity on October 6. Mr. Meyer has resigned as vice-president and sales manager of the Musselman Company and has disposed of his interest in that business.

Mr. Meyer brings to his work in the Office of Production Management broad experience in both the production and sales branches of the canning industry, as well as experience in the Quartermaster's Department of the Army during the first World War. He will be associated with John L. Baxter, who heads the Canned and Dehydrated Food Unit in the Division of Purchases.

#### New OPA Aide for Consumer Relations Section

Appointment of Mrs. May Thompson Evans as chief of the consumer relations section, Consumer Division of the Office of Price Administration, has been announced by Harriet Elliott, assistant administrator. The position up to now has been filled by an acting chief.

Mrs. Evans will direct the work of the consumer relations staff, interpreting the OPA program to the public, assisting with adjustments in daily buying and living habits, and obtaining knowledge of consumer problems and reactions as a basis for government policy and action in the defense effort.

## PEA APHID RESEARCH CONFERENCE

### Progress in Experimental and Field Application Control Reported for Past Season

The annual conference to review the season's results on pea aphid control was held at Okee Lodge, Wisconsin, in mid-September. This meeting, at which the Association was represented by the director of the Raw Products Bureau, showed that distinct progress was made the past season both experimentally and in field application of control methods. One canner present reported successful aphid control on 4,500 acres of his peas dusted the past season.

The conference, as originally organized by Wisconsin University entomologists, was designed to afford research entomologists, manufacturers of insecticides and diluents, canners and fieldmen, opportunity to review the accomplishments of the past season, to exchange ideas for improvement of field methods and experimental procedures, and to develop suggestions for better dust and spraying formulas.

While finished experimental results were not presented, informal discussion of trends on experimental work indicated increasing evidence that dusts carrying 0.75 per cent rotenone were as effective as those containing 1 per cent. Indications also were reported that in many cases the rotenone content of 0.5 per cent was practically as effective as 0.75 per cent. And the discussions brought out the greater difficulty of obtaining satisfactory aphid kill on peas growing under drought conditions or on land seriously lacking in fertility.

The New York State representative presented graphic evidence of satisfactory aphid kill with high nicotine and with combinations of nicotine and rotenone applied in a solution in vapor form with a dosage of approximately 20 gallons of water carrier per acre.

Preliminary results were shown of tests of the abrasive action of certain diluents on the metal of the distributing mechanisms of dusting machines. Some materials not heretofore used in dust distribution displayed a remarkably high resistance to abrasion in contrast to some materials now in common use.

Another encouraging feature of the work now under way was the increasing cooperation by manufacturers reported by the representative of the U. S. Bureau of Agricultural Chemistry and Engineering. Engineering tests of various dusters carried on at the Bureau's Toledo laboratory have pointed the way to improvements in design through which more accurate dosage may be obtained, together with more even distribution and better coverage.

The several research agencies that participated will release their own experimental results and recommendations at a later date.

### Congress Summary

Additional Lend-lease appropriations, continued consideration of the Administration's price control measure, other hearings by Committees, and action on non-controversial matters have occupied the attention of Congress during the past week.

A House Appropriations subcommittee began work on the request of the President for \$5,985,000,000 in Lend-lease

funds. In the course of hearings on the request, Secretary of Agriculture Wickard explained that \$1,000,000,000 of the total would be allocated to the Department of Agriculture to supply Great Britain with agricultural products.

Actual introduction of a bill to appropriate these funds will not be made until Committee consideration is concluded. Members of the House, however, have been advised by Speaker Rayburn and Majority Leader McCormack that such a bill will be ready October 6 for action on the House floor.

Consideration of the Administration's price control bill began the first week in August with OPA Administrator Leon Henderson as a witness before the House Committee on Banking and Currency. Until this week, Mr. Henderson's testimony had been interrupted on only two occasions. The first of these was a four-week recess of the House shared in by the Committee, and the second was the one-day testimony (September 19) of Mr. Bernard Baruch. Pressure for speedier Committee action on the proposal has been indicated by White House conferences during the week with Congressional leaders and by the appearance before the Committee of Secretary of Treasury Morgenthau.

### SPAB to Aid Dairy Industry Expansion

Because of the need for expanding dairy production to meet United States and British food requirements, the Supply Priorities and Allocations Board announced on September 25, that special attention will be given to provision of equipment necessary for this expansion.

Director Donald M. Nelson has been authorized to prepare a priorities plan, in cooperation with the Department of Agriculture, whereby materials needed for manufacture of equipment required for a moderate expansion of the dairy industry may be obtained. Provision of these materials is to be made contingent, however, upon adoption by the industry of methods for saving scarce materials through conservation, substitution and the simplification of equipment.

Expansion is needed chiefly in the production of evaporated and condensed milk, cheese, and dried milk. Because of the pressure of domestic and Lend-lease needs, SPAB agreed that some expansion of these productive facilities is called for.

Further consideration will be given to other farm equipment, whose manufacture involves the use of various critical materials vitally needed for defense. SPAB directed Mr. Nelson to work with the agricultural implement industry and the Department of Agriculture to determine the minimum needs, by general classifications, of manufactured items which agriculture must have in order to produce the required volume of foodstuffs. SPAB hopes that savings can be made through conservation, substitution and simplification; through the repair of existing equipment where possible, and through a more efficient use of equipment now on hand, so that agriculture's needs may be met.

### Applications for Project Preference Rating

Companies desiring to expand their operations by adding new lines of machinery or by building new plants are required under the priorities system to obtain for each individual case a preference rating for the project. This fact was pointed out in the article in the INFORMATION LETTER for August 16, which presented a general description of

the operation of the priorities system. Several inquiries have been received as to the procedure for obtaining such project ratings and the information that must be supplied.

Application for a project rating may be addressed to the Director of Priorities, for the attention of the Project and Blanket Priority Group, and should be signed by an official of the firm making application. The application should furnish the following information: (1) Name of order; (2) location of principal office; (3) location of project plant or expansion; (4) materials to be produced; (5) justification of the project as a necessity to defense; (6) description of what is contemplated; (7) statement of the type and quantity of material and equipment required, particularly of materials that are on the Critical List; (8) certificate showing priority number, if any, that has been granted to the firm making application; (9) estimated date of completion of project; (10) estimated cost of materials required to complete the project and estimated total cost of the project; (11) percentage of the project completed at the time of application.

There are no special forms to be executed in connection with the application, but it is essential that the application embody as complete information as can be given on the project.

#### OPM Division of Purchases Organized on an Industrial Branch Basis

Douglas C. MacKeachie, Director of Purchases in the Office of Production Management, has announced the organization of the Division of Purchases into industrial branches. The executive officer of the Division will be Philip F. Maguire, who comes to this post from his previous position as Assistant Administrator of the Surplus Marketing Administration.

In the Food Supply Branch, Howard Cunningham, Assistant Director of Purchases, will be in charge. John Martin remains in charge of all perishable foodstuffs as head of the Perishable Food Section. The chief of the Non-perishable Food Section will be announced later. In this section is the Canned and Dehydrated Foods Unit, headed by John L. Baxter.

In the Container Branch, Walter Shorter, Assistant Director of Purchases, will be in charge. This branch contains sections for metal containers, glass and plastic containers, paper and fiber containers, and wood containers.

#### OPA Will Set Ceiling on Paperboard

Maximum prices now prevailing under voluntary agreements covering all grades of paperboard sold by leading producers east of the Rocky Mountains will be incorporated shortly into a formal price schedule, Leon Henderson, administrator, Office of Price Administration, announced September 23.

The schedule, which is nearing completion, will go into effect on October 1, 1941, when the present voluntary agreements will expire.

OPA has no present intention of establishing ceiling prices for board sold west of the Rockies, since the voluntary agreements with West Coast manufacturers do not expire until December 31, 1941, and have been operating satisfactorily, the announcement stated.

#### Stocks and Shipments of Canned Peas

Total stocks of canned peas in canners' hands on September 1, 1941, amounted to 18,849,790 cases, as compared with 19,732,908 cases on hand on the corresponding date last year, according to figures compiled by the Association's Division of Statistics.

Shipments during June, July, and August of the current year totaled 11,697,937 cases, which is 3,341,955 cases more than were shipped during the corresponding period of 1940, and the largest shipments on record for these three months.

The following table shows, by regions and varieties, the stocks carried over on June 1, the pack in 1941 (revised from figures published last week), stocks on September 1, and shipments during June, July, and August:

	Carryover stocks June 1 Cases	1941 pack Cases	Sept. 1 stocks Cases	Shipments during June- August Cases
New York and Maine:				
Alaskas.....	13,988	149,441	90,300	73,129
Sweets.....	210,811	1,932,714	1,398,862	744,063
Middle Atlantic:				
Alaskas.....	25,706	1,534,430	721,223	838,913
Sweets.....	28,105	581,687	293,310	316,473
Mid-West:				
Alaskas.....	410,025	9,134,658	5,588,482	3,956,231
Sweets.....	449,775	7,481,432	4,638,682	3,092,525
Western:				
Alaskas.....	275	80,157	33,330	53,003
Sweets.....	391,503	8,116,990	5,885,583	2,622,910
Total:				
Alaskas.....	449,904	10,904,716	6,433,344	4,921,366
Sweets.....	1,080,104	18,112,823	12,416,446	6,776,571

#### Roy Hendrickson Made SMA Administrator

Roy F. Hendrickson has been named administrator of the Surplus Marketing Administration to succeed Milo F. Perkins, recently transferred to Vice President Wallace's Economic Defense Board. Mr. Hendrickson has been director of personnel for the Department of Agriculture since 1938. E. W. Gaumnitz, whose title has been assistant administrator of SMA, has been made associate administrator.

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